

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05CV10216-JLT

CARLOS PINEDA, ET AL.
Plaintiffs

v.

JOSEPH WATTS AND JOSEPH TOOMEY,
ET AL.
Defendants

**DEFENDANTS' MOTION IN LIMINE TO EXCLUDE UNTELEVISED NEWS
FOOTAGE OF PLAINTIFF PINEDA'S ARREST**

The Defendants, Joseph Toomey and Joseph Watts ("Defendants"), respectfully request that this Court exclude certain video footage Plaintiffs seek to offer of Plaintiff Pineda's arrest. To date, Plaintiffs have been provided with news footage from Channel 7 that purports to show Plaintiff Pineda in handcuffs on the evening of April 28, 2003. To the extent that any other news footage obtained by Plaintiffs extends beyond what was actually shown on television, this extended footage should be excluded as it has no relevant bearing on any alleged damages claim asserted by Plaintiff Pineda. Additionally, any unauthenticated videos are inadmissible and should be excluded.

Additionally, during the course of discovery, Plaintiffs failed to produce this additional news footage. Plaintiffs' failure to produce this footage, and any other videos, requires its exclusion from evidence at trial. Plaintiffs' failure to provide Defendants with this such alleged evidence violates not only L.R. 16.1, but also unfairly prejudices the Defendants.

IV. Conclusion

For the foregoing reasons and any others stated orally to the Court, therefore, the

Defendant requests that this Court grant its motion in limine.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on July 16, 2007.

Helen G. Litsas

Helen G. Litsas

/s/

Respectfully submitted,
DEFENDANTS JOSEPH WATTS AND JOSEPH
TOOMEY,
By their attorneys:

/s/ Helen G. Litsas
Helen G. Litsas, BBO# 644848
Special Assistant Corporation Counsel
Law Office Of Helen G. Litsas
38 Main Street
Saugus, MA 01906
(781) 231-8090

Susan M. Weise, BBO# 545455
First Assistant Corporation Counsel
City of Boston Law Department
Room 615, City Hall
Boston, MA 02201
(617) 635-4040

Dated: July 16, 2007